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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,610	02/15/2001	Meghan Herbert	IEX 2047001	5695

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EXAMINER


STERRETT, JONATHAN G

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/776,610	<b>Applicant(s)</b> HERBERT ET AL.	
	<b>Examiner</b> Jonathan G. Sterrett	<b>Art Unit</b> 3623	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 February 2001.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Summary***

1. Claims 1-67 are pending in the application.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-11, 17, 18, 23-33, 46, 47, 50, 54, 55, 57, 59, 60, 61, 65, 66 and 67 are rejected under 35 U.S.C. 102(b) as being anticipated by the product Genesys Suite of software applications for call center management described at the following websites: Genesyslab.com archive.org webpage of Dec 6, 1998, "Products & Services-Call Center Reporting" hereafter referred to as Reference A, Genesyslab.com archive.org webpage of Dec 5, 1998, "Products & Services-Genesys Dart; hereafter referred to as Reference B.

Regarding Claim 1, Genesys discloses the step of permitting a computer system to communicate to the agent performance data that indicates how the agent is performing (Reference A Paragraph 4 line 12, individual agent can monitor their performance).

Regarding Claim 2, Genesys discloses wherein the step of permitting is performed by a supervisor of the agent (Reference A Paragraph 3 line 9-10, call center managers can empower agents to monitor their own performance).

Regarding Claim 3, Genesys discloses method wherein the performance data is at least one of retrieved from a database and calculated by the computer system (Reference B paragraph 2 line 2, all necessary data is tracked in any standard ODBC database).

Regarding Claim 4, Genesys discloses wherein the step of permitting further comprises permitting computer system to communicate via a network (Reference B paragraph 5 line 4, any user on LAN/WAN can access reports across platforms and sites) to the agent performance data that indicates how the agent is performing (Reference B paragraph 5 line 4, reports from Data Access Reporting Tool-DART can be sent to any user).

Regarding Claim 5, Genesys discloses wherein the step permitting further comprises permitting a computer system to communicate via a network to the agent performance data which indicates how the agent is performing, the network comprising a LAN/WAN (Reference B paragraph 5 line 4, any user on LAN/WAN can access performance reports across platforms and sites).

Regarding Claim 6, Genesys discloses wherein the step of permitting further comprises at least one of selecting which performance data an agent may access, and, the presentation characteristics comprising comparison method (Reference A paragraph 5 line 9-10, managers can provide means for agents to monitor their own performance and for agents to compare it to their group).

Regarding Claim 7, Genesys discloses wherein the performance

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data comprises at least one or more of in contacts, talk time, work time, total time, available time, aux time, average handling time, average work time, average talk time, out calls, out time, system time, schedule adherence, state adherence, agent conformance, agent sales, agent revenue, agent attendance, entitlement adherence, and quality score (Reference B paragraph 7 line 4, collects historical records on each agent; Reference B paragraph 7 line 6, tracks all data for calls 'cradle to grave' including revenue per call).

Regarding Claim 8, Genesys discloses wherein the performance data comprises performance statistics of the agent and of at least one peer group (Reference A paragraph 3 line 10, agents can compare their statistics with that of group).

Regarding Claim 9, Genesys discloses, wherein the performance data comprises performance statistics of the agent and of at least one peer group, the peer group comprising an agent data group (Reference A paragraph 3 line 10, agents can compare their statistics with that of their group).

Regarding Claim 10, Genesys discloses the step of communicating a comparison between the performance of the agent and the performance of a peer group (Reference A paragraph 3 line 10, agents can compare their statistics with that of their group).

Regarding Claim 11, Genesys discloses the step of communicating a comparison between the performance of the agent and the performance of peer group, the peer group comprising an agent data group (Reference A paragraph 3 line 10, agents can compare their statistics with that of their group).

Regarding Claim 17, Genesys discloses the step of collecting and updating the performance data periodically. (Reference B paragraph 2 line 2-3, historical record for each call created; Reference A paragraph 4 line 12-13, performance results updated and can be monitored in real time).

Regarding Claim 18, Genesys discloses wherein the agent is performing in at least of a call center (Reference A paragraph 3 line 9, agents working in call center).

Claims 23-33, 46, 47, 50, 54, 55, 57, 59, 60, 61, 65, 66 and 67 recite limitations already addressed by the rejection of Claims 1-11, 17, 18 above, therefore the same rejection applies.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 12-16, 19-22, 34-38, 41, 43, 44, 45, 48, 49, 51, 52, 53, 56, 57, 62, 63 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over the product Genesys Suite of software applications for call center management described at the following websites: Genesyslab.com archive.org webpage of Dec 6, 1998, "Products & Services-Call Center Reporting" hereafter referred to as Reference A, Genesyslab.com archive.org webpage of Dec 5, 1998, "Products & Services-Genesys DART; hereafter referred to as Reference B.

Regarding Claim 12, Genesys teaches comprising the step of communicating a comparison between the performance of the agent and the performance of peer group, the comparison being communicated as at least one of the difference, the percent difference, and no difference (Reference A paragraph 3 line 10, agents can compare their statistics with that of their group). Genesys teaches reporting performance statistics for an agent to compare their performance results with their group. It is old and well known in the art of comparing statistics that any comparison results in a difference, percent difference, and no difference.

Regarding Claim 13, Genesys teaches the step of permitting further comprises selecting least one presentation characteristic of the performance data, the at least one presentation characteristic having at least over threshold indicator including colors, fonts, italicizing, reverse printing, bolding, underlining, background patterns, shading, cross-hatching, diagonal lines and vertical lines (Reference A paragraph 5 line 14, customized reports can be created from any third party reporting tool). It is old and well known in the art that a third party reporting tool, such as Microsoft Excel™, provides for presentation characteristics having indicators including colors, fonts, italicizing, reverse printing, bolding, underlining, background patterns, shading, cross-hatching, diagonal lines and vertical lines.

Regarding Claim 14, Genesys teaches the step of permitting further comprises selecting least one presentation characteristic of the performance data, the at least one presentation characteristic having at least under threshold indicator including at least one of colors fonts, italicizing, reverse printing, bolding, underlining, background

patterns, shading, cross-hatching, diagonal lines and vertical lines (Reference A paragraph 5 line 14, customized reports can be created from any third party reporting tool). It is old and well known in the art that a third party reporting tool, such as Microsoft Excel™, provides for presentation characteristics having indicators including colors, fonts, italicizing, reverse printing, bolding, underlining, background patterns, shading, cross-hatching, diagonal lines and vertical lines.

Regarding Claims 15 and 16, Genesys teaches selecting at least one presentation characteristic of the performance data, the at least one presentation characteristic having at least an over threshold limit, as per Claim 15, and an under threshold limit, as per Claim 16, including at least one percent difference or an absolute difference. Genesys teaches reporting performance statistics and comparing performance results with other groups (Reference A paragraph 3 line 10, agents can compare their performance statistics with that of their group). It is old and well known in the art of comparing statistics in presentation, i.e. graph, table or chart format, to use either a difference or percent difference comparison to a threshold value, whether that threshold be over limit, as per Claim 15, or under limit as per Claim 16.

Regarding Claim 19, Genesys teaches the step of allowing the agent to enter preferences of the agent, the preferences comprising selecting the comparison method, (Reference A paragraph 4 line 9-10, agents empowered to monitor their own performance and compare it to statistics for their group).

Regarding Claim 20, Genesys teaches the step of allowing the agent to enter preferences of the agent, the preferences comprising selecting the comparison method



(Reference A paragraph 4 line 9-10, agents empowered to monitor their own performance and compare it to statistics for their group; Reference B paragraph 7 line 12-13, third part software allows creating of customized reports), wherein the comparison method comprises at least one of no difference, difference, and percent difference. Genesys teaches that agents can create their own reports using reporting tools such as Microsoft Excel™ to create reports. It is obvious in Excel™ to create reports that comprise a comparison method of no difference, difference and percent difference.

Regarding Claim 21, Genesys teaches the step of allowing the agent to select the form of the communication, the form comprising a textual display, graphical display, a bar chart and a line chart (Reference A paragraph 4 line 9-10, agents empowered to monitor their own performance and compare it to statistics for their group; Reference B paragraph 7 line 12-13, third part software allows creating of customized reports). Genesys teaches that agents can create their own reports using reporting tools such as Microsoft Excel™ to create reports. It is inherent in Excel™ to create reports that comprise a textual display, graphical display, a bar chart and a line chart.

Regarding Claim 22, Genesys teaches the step of allowing supervisor to select the form of the communication, the form comprising a textual display, graphical display, a bar chart and a line chart (Reference A paragraph 4 line 2-3, 9-10, managers can empower agents to monitor their own performance and compare it to statistics for their group; Reference B paragraph 7 line 12-13, third part software allows creating of customized reports). Genesys teaches that managers can create their own reports

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using reporting tools, such as Microsoft Excel™, to create reports. It is inherent in Excel™ to create reports that comprise a textual display, graphical display, a bar chart and a line chart.

Claims 34-38, 41, 43, 44, 45, 48, 49, 51, 52, 53, 56, 57, 62, 63 and 64 recite limitations already addressed by the rejection of Claims 12-16 and 19-22 above, therefore the same rejection applies.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Webarchive.org webpage of July 7, 1997 ([www.iex.com/products/ccp/](http://www.iex.com/products/ccp/)) detailing IEX Corporation's call center products including TotalView™ Workforce Management Software.

Business Wire, "Stancil to sell xPECT Products", July 17, 1998, article details xPect technologies software Expectations™ to manage agent workforce in call centers.

"Help Desk Software Roundup", Telemarketing & Call Center Solutions, April 1998, v16n10, pp 70-85 section on Applix, Inc.'s call center software to manage call centers.

Webarchive.org webpage of February 2, 1999 ([www.xpecttech.com/xprod.shtml](http://www.xpecttech.com/xprod.shtml)) details xPECT Technologies Expectations™ software to manage agent performance in call centers.

Business Wire, "New Expectations Software Wins Best of CTI Expo Designation", June 22, 1998, article details xPECT Technologies software to manage agent performance in call centers.

US 6,381,640 by Beck discloses a method and apparatus for managing workload assignments to agents in call center.

US 5,911,134 by Castonguay discloses a method for planning, scheduling and managing agents in call center.

US 5,134,574 by Beaverstock discloses a performance control apparatus and method in processing plant.

US 5,185,780 by Legget discloses a method for predicting agent requirements in a force management system.

US 5,325,292 by Crockett discloses a scheduling system for a force management system.

US 5,778,060 by Otto discloses a agent network with cooperative control system.

US 6,614,903 by Flockhart discloses a method and apparatus for service processing of communications in a call center.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Sterrett whose telephone number is 703-305-0550. The examiner can normally be reached on 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGS 11-23-04



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